

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1121 by Anchia (Relating to judicial findings, a criminal offense, and preventative actions regarding human trafficking or other similar abuse.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Family Code to require a judge, on the motion of the attorney representing the state, to make an affirmative finding and file a statement of such in the papers in the case if the judge determines that, regardless of whether the conduct at issue under Chapter 20A, Penal Code (Trafficking of Persons) is the subject of the prosecution or part of the same criminal episode as the conduct that is the subject of the prosecution, if a victim in the trial is or has been a victim of a severe form of trafficking in persons or has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity under 8 U.S.C. Section 1101(a) (15)(U)(iii). The part of the papers containing the affirmative finding would be confidential unless appropriate written consent is given to release the information.

The bill would amend the Penal Code by broadening the definition of forced labor or services as it relates to the offense of trafficking of persons. The bill would also broaden the definition of traffic to include obtaining another person for transport by any means.

The bill would amend the Penal Code by including in the offense of trafficking of persons, trafficking another person with the knowledge the trafficked person will engage in forced labor or services or intentionally or knowingly benefits from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services. An offense under this section is punishable as a felony of the second degree, unless the conduct constitutes the offense of prostitution and the person who is trafficked is younger than 18 years age, in which case the offense would be punishable as a felony of the first degree.

The bill would also amend the Civil Practices and Remedies Code by requiring certain establishments that rent overnight lodging to the public to post in a conspicuous location an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

The bill would require the Attorney General, in consultation with the Health and Human Services Commission, to prepare a report relating to existing laws and rules concerning the victims of human trafficking. The bill would also require the Health and Human Services Commission, in consultation with the Attorney General, to prepare a report relating to existing social service programs concerning the victims of human trafficking. Both reports would be required no later than September 1, 2008.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Broadening the definition of the types of behavior punishable is expected to result in increased demands upon the correctional resources of counties or of the State due to an increase in offenses. It is assumed the number of persons convicted under this statute would not result in a significant impact on programs and workload of state corrections agencies or on the demand for resources and services of

those agencies. Both the Office of the Attorney General and the Health and Human Services Commission determined that the cost of implementing the provisions of the bill relating to preparing reports would not be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 696 Department of Criminal Justice

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